

#7/3/2001
PATENT 1-9-02

Docket No. 377882001600

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on October 29, 2001.

Hazel M. Raskowitz
Hazel M. Raskowitz

TECH CENTER 1600/2900

DEC 28 2001

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST

Serial No.: 09/802,685

Filing Date: March 9, 2001

For: METHODS OF PREVENTING AND
TREATING VIRAL INFECTIONS
USING IMMUNOMODULATORY
POLYNUCLEOTIDE SEQUENCES

Examiner: To Be Assigned

Group Art Unit: 1614

**REQUEST TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The presently named applicant, Gary Van Nest, respectfully requests consideration and entry of the present request to add the name of Joseph J. Eiden, Jr. as joint inventor.

☒ In support of this request, Statement of Joseph J. Eiden, Jr. under 37 C.F.R. § 1.48(a)(2) is enclosed.

☒ In support of this request, Substitute Declaration of Gary Van Nest and Joseph J. Eiden, Jr. under 37 C.F.R. § 1.48(a)(3) is enclosed.

☒ A copy of the Assignment executed by Joseph J. Eiden, Jr. is enclosed.

☒ The written consent of the assignee, Dynavax Technologies Corporation, under 37 C.F.R. § 1.48(a)(5) is enclosed.

☒ The fee set forth in 37 C.F.R. § 1.17(i) of \$130.00

☐ is enclosed

☒ is authorized to be charged to Deposit Account 03-1952

Applicants request that the inventorship in the above-identified application be amended by adding Joseph J. Eiden, Jr., who was inadvertently omitted in the above patent application as co-inventor, so that the inventorship entity Gary Van Nest and Joseph J. Eiden, Jr. will be indicated as the true and correct inventorship entity in the above-identified application.

This request is supported by a statement from Joseph J. Eiden, Jr. that the error in inventorship occurred without deceptive intent on his part.

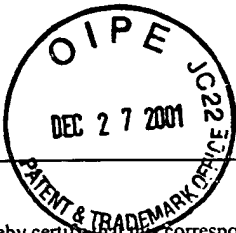
The Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed Assignment and Statement of Joseph J. Eiden, Jr., as well as the enclosed Substitute Declaration which has been executed by Gary Van Nest and Joseph J. Eiden.

Respectfully submitted,

Dated: October 29, 2001

By: Karen R. Zachow
Karen R. Zachow
Registration No. 46,332

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5895
Facsimile: (650) 494-0792



PATENT
Docket No. 377882001600

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USING IMMUNOMODULATORY
POLYNUCLEOTIDE SEQUENCES

Examiner: To Be Assigned

Group Art Unit: 1614

**STATEMENT BY JOSEPH J. EIDEN, JR. IN SUPPORT OF
REQUEST TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)(2)**

Assistant Commissioner for Patents
Washington, D.C. 20231

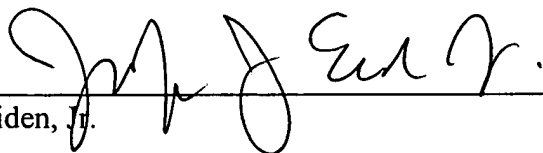
Dear Sir:

I, Joseph J. Eiden, Jr., declare as follows:

- 1) I reside at 115 Shadewell Dr., Danville, CA 94506;
- 2) I am an inventor on the above-referenced patent application;
- 3) My name was omitted from the inventorship as originally filed, and this error in inventorship occurred without any deceptive intent on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

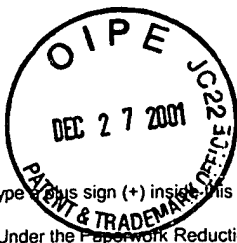


Joseph J. Eiden, Jr.

Date: 10 Oct 2001

Signed at location: Berkeley, CA

1614

Please type and sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

12

Attorney Docket No.

377882001600

Application Number

09/802,685

Filing Date

March 9, 2001

First Named Inventor

Gary VAN NEST

Group Art Unit

1614

Examiner Name

To Be Assigned

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form plus copy for fee processing (2 pages)☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53,☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

1. Request to Correct Inventorship (2 pages)
2. Statement of Joseph J. Eiden, Jr. (2 pages)
3. Substitute Declaration of Gary Van Nest & Joseph J. Eiden, Jr. (2 pages)
4. Consent of Assignee (1 page)
5. Certificate under 37 C.F.R. § 3.73(b) (1 page)
6. Copy of Assignment executed by Joseph J. Eiden, Jr. (1 page)
7. Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018

or

Individual Name

Karen R. Zachow, Reg. No. 46,332

Signature

Date

October 29, 2001

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Hazel M. Raskowitz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

RECEIVED

**FEE TRANSMITTAL
FOR FY 2002**

DEC 27 2001

PATENT & TRADEMARK OFFICE

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/802,685
Filing Date	March 9, 2001
First Named Inventor	Gary VAN NEST
Examiner Name	To Be Assigned
Group Art Unit	1614
Attorney Docket No.	377882001600

TOTAL AMOUNT OF PAYMENT

(\$130.00)

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-1952**Deposit Account Name **Morrison & Foerster LLP**

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$0.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
10-10 =	0	x \$9.00	= \$0.00
Independent Claims 2-2 =	0	x \$42.00	= \$0.00
Multiple Dependent			= \$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$0.00)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Fee for correcting inventorship \$130.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$130.00)

SUBMITTED BY

Name (Print/Type)

Karen R. Zachow

Registration No.
(Attorney/Agent)

46,332

Telephone

(650) 813-5895

Signature

Karen R. Zachow

Date

October 29, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2034.

**ASSIGNMENT
SOLE**

THIS ASSIGNMENT, by Joseph J. EIDEN, Jr., residing at 115 Shadewell Dr., Danville, CA 94506, witnesseth:

WHEREAS, said assignor has invented certain new and useful improvements in METHODS OF PREVENTING AND TREATING VIRAL INFECTIONS USING IMMUNOMODULATORY POLYNUCLEOTIDE SEQUENCES, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; bearing Serial No. 09/802,685 and filed on March 9, 2001; and

WHEREAS, Dynavax Technologies Corporation, a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 717 Potter Street, Suite 100, Berkeley, CA 94710 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

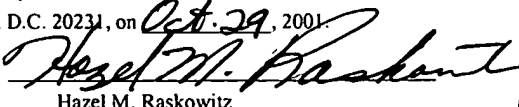
10 Oct 2001
Date

Name:

Joseph J. EIDEN, Jr.

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Examiner: To Be Assigned

Group Art Unit: 1614

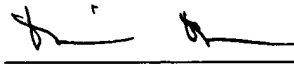
CONSENT OF ASSIGNEE FOR REQUEST TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)(5)

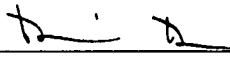
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Dynavax Technologies, Inc., the assignee of the above-identified patent by virtue of an attached assignment document and as recorded in the Patent and Trademark Office at Reel 011970, Frame 0390, is fully aware of the request for change of inventorship, and that the corrected inventorship includes Gary Van Nest and Joseph J. Eiden, Jr. Accordingly, Dynavax Technologies Corporation consents to the change in inventorship to add Joseph J. Eiden, Jr.

Dynavax Technologies, Inc.

Signature: 
Name: Dino Dina, M.D.
Title: President & CEO
Date: Oct 15, 01

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)	Docket No. 377882001600
In the application of: Gary VAN NEST Serial No.: 09/802,685 Filed: March 9, 2001 For: METHODS OF PREVENTING AND TREATING VIRAL INFECTIONS USING IMMUNOMODULATORY POLYNUCLEOTIDE SEQUENCES	
<p>Dynavax Technologies Corporation, a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:</p> <p>A. <input checked="" type="checkbox"/> An assignment from the inventor(s) of the patent application identified above as specified in the attached assignment document and as recorded in the Patent and Trademark Office at Reel 011970, Frame 0390.</p> <p style="text-align: center;">OR</p> <p>B. <input type="checkbox"/> A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:</p> <ol style="list-style-type: none"> 1. From : To: The document was recorded in the Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached. 2. From : To: The document was recorded in the Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached. 3. From : To: The document was recorded in the Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached. <p><input type="checkbox"/> Additional documents in the chain of title are listed on a supplemental sheet.</p> <p><input type="checkbox"/> Copies of assignments or other documents in the chain of title are attached.</p> <p>The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.</p> <p>The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.</p> <p>I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> <p>Dated: <u>Oct 15, 01</u> _____</p> <div style="text-align: right;">  Name: Dino Dina, M.D. Title: President and CEO </div>	